

**CONCORDIA UNIVERSITY
FACULTY OF COMMERCE AND ADMINISTRATION
MINUTES OF FACULTY COUNCIL MEETING
Monday, March 9, 1992**

Present: C. A. Ross, Chair
D. Acland (Acco.), G. Adolph (The Gazette), S. A. Alvi (Econ.), A. Ahmad (Fina.), M. Anvari (Fina.), K. Argheyd (Mana.), V. V. Baba (Mana.), J.-M. Bourjolly (DS&MIS), B. Barbieri (Mktg.), C. Bayne (DS&MIS), B. Black (Thursday Report) A. Brodt (Fina.), L. Brunet (CGSA), U. de Brentani (Assoc.Dean), K. C. Dhawan (Mktg.), A. Farhoomand (DS&MIS), M. Franklin (Mana.), M. Gervais (BoG), K. G. Gheyara (Acco.), Z. Gidengil (Mktg.), G. J. Gouw (Mech.Eng.), S. Goyal (DS&MIS), B. Grantham (The Link), M. Habib (R.O.), A. Hochstein (MBA), S. Hoffman (Lib.), A. B. Ibrahim (Mana.), A. Jalilvand (Fina.), G. Kanaan (Acco.), N. Kaminaris (CASA), J. Kelly (Mana.), P. Kenniff (Rector), V. H. Kirpalani (Mktg.), H. Kotsovos (CGSA), M. Kusy (Grad.Studies), R. A. Long (Acco.), B. MacKay (AVRA), G. Martin (Comp.Sci.), J. Mrenica (CASA), L. McGown (Mktg.), C. McKinnon (Comm.Coord.), R. McTavish (Mktg.), J. Nader (Assoc.Dean), J. Oberg-Muller (Liaison), L. Prendergast (Reg.), B. Prince (Mana.), W. Roscoe (Acco.), F. L. Sbrocchi (Assoc.Dean), M. Sharma (DS&MIS), R. Sheinin (VRA), F. Simyar (Acco.), W. Taylor (Mana.), T. J. Tomberlin (DS&MIS), K. Whittingham (P.R.), R. O. Wills (Assoc. Dean)

**Absent
with
Apology:**

L. Kryzanowski

I Call to Order

The meeting was called to order at 09:30.

II Closed Meeting

There were no items on the agenda for a closed meeting.

III Open Meeting

IV Approval of Agenda - CAFC-92-02A

The Chair agreed to add to the agenda item X. 14, Distinguished Teaching Awards Report.

IT WAS MOVED BY M. SHARMA AND SECONDED BY N. KAMINARIS THAT THE AGENDA, CAFC-92-02A, BE APPROVED AS AMENDED.

THE MOTION WAS CARRIED.

V Approval of the Minutes of the Previous Meeting - CAFC-92-01M

The minutes of the Faculty Council meeting held February 7, 1992, CAFC-92-01M, were approved with the following amendment: Page 1, item IV, second to last paragraph, delete document from the phrase "document in the public domain", insert information.

VI Chair's Remarks and Question Period

The Chair introduced the Chairman of the Board of Governors, Me André Gervais, the Rector, Dr. Patrick Kenniff, and Dr. Rose Sheinin, Vice-Rector, Academic explaining that they were present to address concerns expressed at the last meeting of Council about the process for the selection of the Dean of the Faculty of Commerce and Administration.

Before opening the floor to questions, the Chair noted that, at the last meeting, he had omitted to include Professors Taylor and Brunet as being major players in developing the AMBA Programme along with Professors Doreen and Rahman.

The Chair opened the floor to questions.

Dr. S. A. Alvi asked Me Gervais and Dr. Kenniff why unusual procedures had been adopted in the selection process.

Me Gervais stated that normal procedures were followed to the point where the Advisory Search Committee makes a recommendation to the Rector. At this juncture, he advised, the Rector chose not to present the recommendation to the Board of Governors, instead, an ad hoc committee of the Board of Governors was struck to consider the matter. Me Gervais emphasized that, although this action has not occurred in the history of the University, the procedures were not deviated from inasmuch as the Board of Governors is the ultimate authority in the University and the role of the Advisory Search Committee is to give advice. Me Gervais also emphasized the importance the Board places on this advice. He explained that the mandate of the ad hoc committee was to study the issue, then to either support the recommendation of the Advisory Search Committee, recommend the appointment of another candidate or recommend that a new search committee be struck to go through the proceedings again. He noted that he was Chair of the committee composed of a group of persons who had a great deal of expertise in the selection of senior staff. Membership included Claude Taylor, Chair of Air Canada, Sister Eileen McIlwaine, President of Marianopolis College, Manon Vennat, Chair of Spencer Stewart, Dr. Robert Pallen, Faculty of Arts and Science, Didier Pomerleau, Graduate Student, Faculty of Commerce and Administration. He explained that the committee based their decision on the

comments of the Rector and the Vice-Rector, Academic as well as the documentation provided by the Advisory Search Committee. He noted that this documentation did not include the minutes of the Advisory Search Committee.

Dr. Kenniff stated that the procedures for the appointment of a Dean, Vice-Rector, Rector and the Director of University Libraries are governed by a set of rules which were approved by the Board of Governors in 1984. He also stated, for the record, that these rules were established prior to his appointment as Rector of the University, contrary to the report in the Gazette. The procedures include the recommendation of the Advisory Search Committee and the personal recommendation of the individual to whom the position will report, usually the Chair of the committee. In addition, article 33 of the procedures states "If the Board of Governors after considering the recommendation of the Advisory Search Committee and the Officer to whom the position reports, sees fit to make the appointment, it does so in accordance with articles 19 and 30 of the by-laws of Concordia University." Dr. Kenniff emphasized that the rules provide the Board of Governors with the discretion to make, or not make, a recommended appointment, therefore, the approved process has been adhered to in the selection of the Dean. With regard to Professor Alvi's question, Dr. Kenniff concluded that there may have been deviation from standard practice but not in the process as defined by the by-laws of the University.

J. Mrenica asked Dr. Sheinin if, at any point in the process, she felt that the mandate of academic control of the Office of the Vice-Rector, Academic has been undermined. If so, by whom?

Dr. Sheinin replied that she has not looked at the process from that viewpoint. She stated that her great concern is that the tradition of the University has been interrupted in the process and she feels it is important for all sections of the University to try to accommodate academic traditions in process matters.

F. Simyar asked Dr. Kenniff and Me Gervais if there had been something wrong with the Advisory Search Committee that led to these unprecedented actions.

Dr. Kenniff stated that there was nothing wrong with the Search Committee in that the properly constituted committee conducted business and made a final recommendation to the Board of Governors. He pointed out that it is then up to the Board, by whatever process it chooses, to make a decision with respect to the best person to occupy the position of Dean, for a term of years,

within the Faculty. Dr. Kenniff stated that if the Board of Governors did not agree with the recommendation of the Advisory Search Committee, this decision did not impugn the quality or the integrity of the work conducted by the Advisory Search Committee.

Dr. F. Simyar asked if the ad hoc committee of the Board had more information than the Advisory Search Committee.

Me Gervais advised that the ad hoc committee had the comments of the Rector and the Vice-Rector, Academic in addition to the documentation received from the Advisory Search Committee.

Dr. C. Bayne asked Me Gervais what set of conditions led to the decision to take this "extraordinary" action or what new information led to the decision to reverse the decision of the Advisory Search Committee.

Me Gervais explained that the word extraordinary was used in the context that the traditional practices of the University, where the recommendation of the Advisory Search Committee is confirmed by the Board, were not conformed to. Me Gervais stressed the importance the Board places on the work of these Search Committees and gave assurances that in the future, as in the past, he would strive to keep the tradition of the University in this process.

With respect to the Rector's recommendation to the Board that careful consideration be given to the appointment of the person as the Dean of the Faculty of Commerce and Administration, Dr. Kenniff noted that, contrary to media reports and rumours, the appointment was not based on the acceptance of candidate A and the rejection of candidate B but rather on the basis of the most suitable among a group of top notch or good candidates for the position and the term of appointment. He stated that this is a judgment call, a matter of assessment, a matter of relative qualities that a person brings to bear on the office for which the appointment is being made. He pointed out that Deans in the University play a vital dual role in that firstly they are the academic leaders of the Faculty, defending the interests of the Faculty in the various fora of the University, be it academic programs, budgets, the role of the Faculty within the University, etc. and secondly, they are expected to participate in the general governance of the University. In this regard, Dr. Kenniff stated that it is his responsibility as Rector to assure the best possible decision. Dr. Kenniff stated that with his eight years of experience with the Faculty and the desire to assure that the Faculty of Commerce and Administration plays a participative role in the University and the larger community it serves, he viewed this appointment to be vitally important not only to the Faculty but also to the University. He further stated that his

recommendation to the Board was not intended to overturn the work of the Advisory Committee but rather for the Board to consider the selection in terms of what is best for the Faculty and the University in the years ahead.

Dr. K. Gheyara asked Me Gervais and Dr. Kenniff what the specific rationale was for the extraordinary actions taken - a) Was the Advisory Search Committee negligent? b) Did the Chair or members of the committee violate any norms of procedure? c) Was there some reason for not accepting the candidate that was initially proposed? d) The Board acted in a totally arbitrary manner.

Me Gervais responded that none of the choices, a - d, applied. He stated that the resolution to appoint the candidate recommended by the Advisory Search Committee never went before the Board. In its place, the Rector recommended to the Board that a sub-committee of the Board be appointed. Me Gervais read the resolution:

"...that an ad hoc committee be established to review the recommendation of the Advisory Search Committee for the Dean of the Faculty of Commerce and Administration, to adopt such procedures as it may deem appropriate and to make a recommendation to the Board of Governors with respect to the appointment of the Dean of the Faculty of Commerce and Administration."

Me Gervais explained that the sub-committee did not accept or reject a candidate but rather heard the report of the Rector and acted on the resolution.

With regard to Dr. Gheyara's reference to the possibility that the rationale for the action of the Board cannot be revealed because of confidentiality, Me Gervais stated the confidentiality is intended to protect the candidates. He noted that there are two schools of thought on the issue of confidentiality, as established by the Board of Governors in 1984, both of which have merit. He advised that a committee has been struck to examine current selection procedures, including the issue of confidentiality. He noted that there will be an opportunity to provide input to the committee as both written and oral submissions will be considered.

With regard the concern expressed by Dr. Gheyara about the lack of consultation with the Faculty, Me Gervais pointed out that in this process, the members of the Faculty, amongst others, made recommendations to the Board of Governors as to the membership of the Advisory Search Committee and thereby delegated authority to this committee.

With regard to option c), Dr. Kenniff stated that contrary to the report in the Gazette, a candidate was not rejected because of differences of opinion in the past. With respect to the rumour mill, he stated that any suggestion of "impropriety" or "incorrect behavior" by any of the candidates involved in this process, on the short or the long list, is totally unfounded as a consideration of the recommendation that he made to the Board of Governors. He emphasized that this issue was never discussed by the Board of Governors.

Dr. Gheyara asked Dr. Sheinin if, when the recommendation of the Advisory Search Committee was not accepted by the Board of Governors, she made any effort to have the matter referred back to the Advisory Search Committee.

Dr. Sheinin replied that the Advisory Search Committee completed their activities and submitted a report to the Board of Governors in November. She explained that beyond that process, with the establishment of a sub-committee of the Board, there was no mechanism to bring the matter back to the Advisory Search Committee.

Me Gervais added that the Board had considered referring the matter back to the Advisory Search Committee in terms of starting the process again but decided that this action would not be in the best interest of the Faculty of Commerce and Administration. He noted that this decision was based on the likelihood that many worthy candidates considered during the recent search would not be willing to present themselves again at this time and it was felt that the Faculty, after a lengthy period of time, needed to have a decision as to its leadership. It was determined that the current Acting Dean be appointed but because this was not the choice recommended by the Advisory Search Committee it was further determined that the term of appointment be for a three year period rather than a five year period.

Dr. T. J. Tomberlin asked Dr. Sheinin, if she had supported the original recommendation and if so, whether she had seen any evidence, at any time since presenting the original recommendation to Dr. Kenniff, to cause her to question the original recommendation that was presented by the Advisory Search Committee.

With respect to her support of the original recommendation, Dr. Sheinin replied that she was Chair of the Advisory Search Committee and she functioned in that capacity. She stated that she did not choose to use the provision in the regulations which does permit the Vice-Rector, Academic to submit a separate report in that the mechanism is normally there in the event that the Vice-Rector, Academic is not the Chair of the Advisory Search, because she was in agreement with the decisions of the total committee. With respect to the second part of Dr. Tomberlin's question, Dr. Sheinin stated that she had not changed her mind and noted that she was deeply committed to the academic process, particularly in terms of the value of the collective wisdom and experience of academic committees. She stated that she was strongly committed to the academic process because it is the tradition of the university where the academic community is the heart and soul.

Dr. M. Kusy stated that he had two concerns. Firstly, he is concerned with breaking with the tradition of collegial governance with regard to the process. He questioned how a decision could be made without interviewing the candidates. Secondly, he is concerned with the implication of these actions on the reputations of the individual candidates. He stated that all candidates have been hurt in the process where confidentiality no longer exists and asked how this issue can be addressed.

Me Gervais replied that it is unfortunate that confidentiality was not maintained so that no one would have been hurt in the process and stressed the value of confidentiality in these matters.

Dr. Kenniff emphasized that the Board was required to make a choice among qualified candidates. He stated that it was regretful that some of the information became public, but stressed that this occurrence has nothing to do with any behaviour on his part, or that of the Vice-Rector, Academic, the Chair of the Board or members of the Board. He further stated that it is a matter of conjecture as to how copies of the confidential minutes of the Board of Governors were released to the Link and how the Gazette obtained information.

With regard to confidentiality, the Rector concurred with the sentiments expressed by Me Gervais but stressed that in this case, every effort was made to maintain confidentiality so that the candidates were protected. Dr. Kenniff emphasized that nothing in the decision of the Board impugns on the integrity of any of the individuals involved.

Dr. Sheinin stated that the purpose of an Advisory Committee is to enable the University to do its work. She further stated that it is her belief that the primary concern in any search process must be the University and second to that, concern for individuals, based on the assumption that the University would never deliberately in any of its processes hurt anyone. With regard to the process, Dr. Sheinin noted that applicants for a senior academic position are not required to sign an agreement of confidentiality. She stated that in many cases there are internal candidates and it is futile to expect these individuals not to discuss their wish to stand for a position with their colleagues, a factor which brings confidentiality into a different realm of responsibility for the committee and for the process. In this case, Dr. Sheinin, stated that she firmly believes that confidentiality was not broken.

The Chair explained that Me Gervais had to leave and thanked him for responding to the concerns of Council members. Me Gervais thanked the Council for the opportunity for open discussion and advised that he would be pleased to meet with Council members again.

Professor B. Barbieri asked Dr. Sheinin to clarify, for the record, the steps involved in the mechanism for the report that was signed by all members of the committee.

Dr. Sheinin stated that at the last meeting of the committee there was a discussion and then there was a decision reached in which, at that particular time, all members of the committee were informed. She explained that she then drafted a report that briefly described the process and the outcome and that because of the particular urgency of time that report was circulated to all members of the committee for their approval. She noted that all members of that committee maintained their support of the report with the exception of one individual. That report was the report which was given to Dr. Kenniff.

B. Barbieri asked Dr. Sheinin if the report had been signed by all members of the committee.

Dr. Sheinin stated that it had not been signed by all members of the committee.

A. Jalilvand defined the term university governance as being a process by which faculty members, students and staff communicate their wishes, their ideas and aspirations to their leaders and described the normal process for the selection of a Dean at Concordia University that facilitates this communication. He stated that in this case, where the traditional conclusion to the process did not occur, the faculty, staff and students find that their

sentiments have not been communicated and therefore, they feel disconnected. He stressed that collegial governance in a university requires an uninhibited mechanism to communicate ideas from faculty, students and staff to their leaders. He stated that the Faculty is now in a difficult position because this communication process, which is the basis for academic freedom in the University, has been disrupted and now needs to be restored. Dr. Jalilvand asked Dr. Kenniff for guidance on this issue.

Dr. Kenniff responded by firstly pointing out a couple of potential misconceptions. With respect to the composition of an Advisory Search Committee, he noted that all member are not chosen, some are designated - ie. student associations, and some are elected. He stated that practices have evolved and one noteworthy in this case is article 22 of the current rules and procedures which provides that members of the advisory committee shall sit as individuals, not as delegates or representatives of any group and it is expected that, from their vantage points, they will bring to the work of an advisory search committee their experience and knowledge but will make decisions, not acting under the dictates of any particular group, but as individuals who will make a choice on the basis of their own personal judgment.

Dr. Kenniff further stated that the University is evolving towards a process of what the Vice-Rector, Academic terms strategic academic planning but there is as well, a broader strategic planning for the University. He stated that he totally supports Dr. Sheinin in establishing a process for review in the penultimate year of the dean, a process which is pending approval of University bodies as a permanent process for the review of academic units. He explained that the approval process by Senate would lead to the establishment of a committee which would make recommendations that will subsequently be factored into the planning process. He stated that he expected that Senate would determine a set of rules and procedures governing the principles adopted in May of last year which will then be examined by the Academic Programmes Committee. Dr. Kenniff further explained that pending having the rules set, a process was conducted, whereby the Vice-Rector, Academic, with his complete support, appoints a committee which reviews the process and that committee then brings forward a set of recommendations. He stated that this was done in the Faculty of Commerce and Administration following the resignation of Dean Appelbaum and it was felt to be sufficiently important to appoint an acting Dean, until this process was completed, to provide some guidelines towards the future of the Faculty. Dr. Kenniff pointed out that no one was elected to the Review Committee which was composed of a group of selected wise men and women.

Dr. Kenniff explained that his understanding is that the report of the Review Committee is then put into the record of the Advisory Search Committee to be used as a guideline to assist the committee in looking at future directions for the Faculty. He further explained that he did not understand the report to be a prescriptive document until such time as the appropriate bodies adopt those recommendations, be it the Faculty Council or be it the case of an administrative organization of the Dean, be it the Board of Governors or the Senate. He emphasized that until that time it is a document that provides a certain degree of input but noted that he was concerned, in this hiatus to a permanent procedure, that these documents sometimes take on more importance than they actually have and they tend to limit or bind the discretion of Advisory Search Committees as to the kind of profile to establish with respect to the position of Dean. Dr. Kenniff stated that this concern was certainly one factor he had taken into consideration when making his recommendations to the board that they look very closely to see whether in fact the weight given to that particular review report was the appropriate weight to be given. Dr. Kenniff stated that he had no comments to make about the review report itself because it has not yet been the subject of a debate at Faculty Council.

With regard to the question of academic freedom, Dr. Kenniff stated that academic freedom is like natural justice - those things that we talk a lot about but are not quite sure always what it means and one does not need the notion of academic freedom to expect the Advisory Search Committees or any other body of the University to bring to bear on their work the intelligence, the insight and the wisdom that is required. Dr. Kenniff stated that academic freedom relates, in his view, to the expression of ideas in the classroom and academic circles; it is not a license to be lethal, it never has been and never will be. He further stated that he thought that academic freedom, as important and as noble as the concept is, is extraneous to the discussion taking place.

A brief discussion ensued regarding the length of time to be spent discussing this issue. The Chair agreed that discussion continue until everyone has an opportunity to ask their questions.

Dr. G. J. Gouw asked Dr. Kenniff if he foresaw that the extraordinary process followed becomes the common process or if changes would be made in the composition of the Advisory Search Committee to avoid the need for such an extraordinary process.

Dr. Kenniff replied that this would definitely not become a common process. He stated that he will not extend that to say that he will renounce for all times the use of any discretion or thought with respect to future appointments the Board will be asked to make. Dr. Kenniff stated that he wished to strike any impression made that he may want to cut off the collegial process. He stated that the collegial process is a two way street involving faculty, students, and staff of the University through the processes that exist at the present time and others that may be adopted in the future, it also involves the administration of the University. Dr. Kenniff further stated that it involves people exercising their judgment, they may make mistakes but his firm conviction was that the Board did not make a mistake in this particular case. With regard to Me Gervais' use of the term extraordinary, the Rector agreed that he considered the action was extraordinary and stated that he remained as firmly committed to the process as the Vice-Rector, Academic has expressed it but not to the extent that he would oppose any changes to the rules. Dr. Kenniff stated that he hoped the work of the Groome committee will develop a system which will better meet, if that is what is required, the needs and the aspirations of the community.

N. Kamanaris stated that the students sense, in the halls of the GM building, that faculty is demoralized, possibly because of the confusion of the process. He stated that his concern is that this will have an affect on students because a demoralized faculty means that professors are no longer motivated to do the things that they want to do to advance the faculty which therefore has a profound effect on students. He asked the Rector and the Vice-Rector, Academic what they will do to correct this de-motivation of faculty.

Dr. Kenniff replied that he had, over the course of the past two months, been made aware of the fact that some people are concerned, some people are less concerned. He stated that he has often heard the expression that people are demoralized as a way of expressing that they are not in favor of particular decision. Assuming there is a situation that could have a direct impact on the students, Dr. Kenniff said that the answer he can give, at this particular point in time, is that the Faculty of Commerce & Administration in its role as a Faculty of this University and as an integral part of this University has total support from him and the Vice-Rector, Academic. He noted that the support is not uncritical support, but it is total support for the courses of action it may choose to take in terms of its academic development, in terms of building its relationships with the community, in terms of its role in attracting the best students to this Faculty and through the various bodies where decisions are made. He further stated that they will continue to provide that support to the Dean, to the Faculty Council, to the decanal team and to the student associations as they have in the past.

Dr. Sheinin stated that since she arrived in September 1989 there appeared to be a certain malaise in the Faculty. She noted that the Faculty is still growing as a relatively new member of the academic milieu which creates a tension similar to that of a growing child and an adult population. She stated that the Faculty has become involved in a process of self-appraisal which has taken many months. She explained that this process resulted in the Report of the Review Committee referred to by Dr. Kenniff which has been deposited with Dean Ross and is presumed to be making its way through active participation, deliberation and approval, and she hoped to see a response reasonably soon. Dr. Sheinin stated that the review process included input from students and that the committee attempted to include in that report the concerns raised by students, and those raised by faculty on behalf of students in the general sense, and her sincere hope is that the various student associations in the Faculty will also contribute their own response to those documents which are expected to come before Faculty Council. Dr. Sheinin stated that the process, as Dr. Kenniff mentioned, has resulted in the Report of the Review Committee which was circulated to the members of the Advisory Search Committee as major input to the development of the profile for the incumbent for the next five years.

Dr. Sheinin noted that the concern appears to be that the change in traditional practice has resulted in a demoralization or an introduction of an instability within the Faculty and that students are concerned lest this have a impact on teaching and the contribution of faculty members to the enhancement of the Faculty. She stated that she has no reason not to believe that every single faculty member in this Faculty is a real professional in the sense that teachers have a responsibility to their students and would not allow any event of this kind to interfere with this responsibility. Dr. Sheinin added that if an event of such cosmic proportions happens, she can only hope that students will come forward and ask for a forum for discussion such as faculty councils because it is very important for there to be total and clear communication not only on this event but on all other events that have an impact on student activities. Dr. Sheinin also noted that she felt instinctively that there is a concern on the part of faculty members because their future is unpredictable, they don't know what is going to happen and when things are unpredictable, life is unpredictable and one gets nervous. Dr. Sheinin stated that she believes that the only way to deal with the concern is through open, frank discussion.

Dr. Sheinin apologized for cancelling her coffee meetings but gave assurance that they will be reinstated in the future.

Dr. K. C. Dhawan was granted speaking privileges.

He stated that he was shocked that the Search Committee never invited him or other senior colleagues to learn what goes on in the Faculty. Dr. Dhawan suggested that the Board may have been remiss in learning the truth and alluded to some irregularities on behalf of two faculty members. He asked Dr. Kenniff how the integrity of a candidate was checked.

Dr. Kenniff responded that he personally presumes integrity until the contrary is demonstrated and explained that he felt it is only fair - it is based on a principle learned in law school which is very much a part of our society - it is a presumption of innocence that can be applied to integrity. He further stated that there was not the slightest cause nor was that subject ever discussed as to whether the decision of the Board of Governors should or should not be based upon issues of integrity. He emphasized that no one's integrity was ever impugned. With regard to being remiss in not learning the truth, Dr. Kenniff stated that he did not know what Dr. Dhawan was referring to. He stated that the University does have a code of conduct for academic and non-academic matters that governs students and staff as well as a collective agreement that governs faculty members. Dr. Kenniff pointed out that the process of appointing a Dean, as the process of appointing a Vice-Rector or Rector, is not a judicial process, not a trial, not a matter of leading evidence or interviewing witnesses, it is a matter of making a value judgment, of making a choice among people whose dossiers academic and otherwise are unimpeachable - a difficult choice to make. Dr. Kenniff also pointed out that there are other fora in which the kind of allusions made by Dr. Dhawan should be dealt with. He advised that when people come to him with such allusions he says, very simply, very clearly, "If you have something to say on this kind of issue, prove it because the burden of proof proposes on those who wish to make allegations of absence of integrity". Dr. Kenniff repeated, because he felt it to be so important, that this is not an issue that affects the integrity of any of the candidates involved.

Dr. F. Simyar asked Dr. Kenniff to clarify how the members of the Board, who spend a short period of time at the University, were able to make a better judgment as to the academic leadership of the Faculty than the Advisory Search Committee, composed of people who dedicate their time to the University, without having additional information.

Dr. Kenniff responded that he was not present to hear what Dr. Sheinin said to the committee, he said he did refer to the committee the concerns expressed here this morning noting the importance of the decision that the Board was to make on the appointment of the Dean for this Faculty.

Dr. Kenniff stated that he has had a intensive relationship with the Faculty of Commerce and Administration in the last eight years, particularly during his term as Acting Vice-Rector, Academic. With respect to future planning and future direction of the Faculty and his statement to the ad hoc committee, Dr. Kenniff stated that he tried to bring to bear his broad vision of the Faculty and the University. He pointed out that this was not a matter of information, it was a matter of perception and judgment on his behalf, it was not a matter of new information being provided. With regard to the allusion to governors who spend an hour or two a month involved in the affairs of the University, Dr. Kenniff paid tribute to the Chairman of the Board and pointed out that there are a large number of governors who spend a great deal more time without any form of remuneration or recompense. Further, he pointed out that they not only do the work of the Board, they work on committees of the Board, develop community relations, provide information to groups outside the University about Concordia, and undertake the role of facilitating and encouraging people outside the University to make contributions to the University's capital campaign. Dr. Kenniff stated that he is always grateful to the outside governors of the university for the time they spend which brings a lot of things of material benefit and repute to this institution and to the Faculty. As an example, Dr. Kenniff noted that it was Concordia's strong Board of Governors that joined with the other Québec universities to persuade Claude Ryan to revise the funding formula. Dr. Kenniff stated that to impugn the governors by dismissing them as people who only spend an hour or so a month in the University is not true and demeaning to them.

Dr. C. Bayne stated that the issue is clearly one of governance, whether collegial governance has a status in the University that the faculty members have come to believe in, whether the continuous and historical development towards the full participation of the professorate in the decision-making processes will continue to be as important as faculty members have come to believe, or whether the Faculty will become subject to administrative fiat. He further stated that statements to the effect that the Board had to act responsibly lead him to believe that there is a relationship between the two processes, that of the Advisory Search Committee and that of the sub-committee of the Board, that something happened in one process that forced the Board to "act responsibly". At the same time, Dr. Bayne noted that Dr. Kenniff is giving assurances that there was no act of irresponsibility nor was there any unseemly behaviour on the part of the members of search committee. He stated that if there is a member of the search committee who did not act responsibly, it should be known. Dr. Bayne further stated that he did not think the issue has been resolved as to whether in fact the search committee process was a good process because it appeared that the extraordinary action on behalf of the Board and the continuous repeating on behalf of Dr. Kenniff and Me Gervais

that the Board had to act responsibly makes him feel uneasy and feel that something was wrong. Dr. Bayne asked Dr. Kenniff what was wrong, and why the Board had to "act responsibly". He also asked if this action were a random action initiated by the Board to make the point that the Board has the final say.

Dr. Kenniff replied that the term random suggests haphazard, arbitrary, something that happened without rhyme or reason. He stated that it has been stated again and again this morning that the Board made a decision on the basis of a choice - not arbitrarily, not randomly. He explained the Chairman of the Board's term described the necessity for the Board to act responsibly which simply alludes to the fact that the Board was called upon to make a decision which implies that one exercises judgment, reason and one reaches a conclusion. Dr. Kenniff said that there are some in this University who would argue on the issue of governance that the Board should not have the power to make senior academic appointments, where the board would rubber stamp the issue as is the case with academic promotion and tenure that have been governed by the Collective Agreement since 1984. With regard to the concern for collegial governance Dr. Kenniff stated that this matter will likely be addressed in the report of the Groome Committee. Dr. Kenniff concluded by emphasizing that the word responsibly in this case simply means the recognition by the Board that it had a duty to make a decision with a full knowledge of all the facts.

Dr. S. A. Alvi asked Dr. Kenniff what he plans to do now so that this situation does not occur again in the future.

Dr. Kenniff replied that the action was correct although there is in the process something uncomfortable for all involved. He stated that he will continue to support work of the faculty members in terms of issues of governance. Further, Dr. Kenniff stated that he will be very supportive, as a member of Senate, the Board and the Faculty Councils, of a full and complete debate about these issues in the University community.

Dr. A. Farhoomand reviewed the steps in the process of the appointment of the Dean since the resignation of Dean Appelbaum and expressed his bafflement about what happened between the time the Advisory Search Committee submitted their recommendation and the subsequent decision of the Board. He asked Dr. Kenniff, given the low morale of the Faculty, what he plans to do to restore confidence to the Faculty.

With regard to his comments to the Board, Dr. Kenniff stated emphatically that he did not urge rejections but pointed out that he had to look at situation and make the best choice. He stated that he viewed the Dean as the player of two roles, firstly, to defend interests of faculty and secondly, to make sure that the faculty evolves and is into the overall University picture. Further, he stated that he has had considerable experience in all faculties with situations where deans put more or less emphasis on one or the other of those two roles. He noted that he thinks a dean is a good academic administrator when there is a balance between the two roles. He stated that this is particularly important in the Faculty of Commerce and Administration where models such as a quasi HEC, a business school with independent status giving its own degrees, isolated from the University, has been espoused. He stated that these are not models that he espouses nor does he espouse a situation where the dean's role is that of a knight ready to give battle as that approach has proved to be counter productive in the past.

With regard to the Review Report and the relative importance one should give to the recommendations prior to the report receiving full study by all bodies in the Faculty, Dr. Kenniff asked if it would not be objectionable for the report, which has not yet been considered by Faculty Council, by the Dean, by the Senate, to suddenly determine the Faculty policy for the next five years. He paid tribute to Dr. Sheinin for her work in putting this mechanism in place as part of the development of a cohesive and comprehensive model for planning the future of the University but noted that the report was part of a package which included many factors. Dr. Kenniff repeated that there was no scandal in process and stated that it is regrettable that allusions are raised to cast a doubt.

Dr. Sheinin stated that it was her understanding that the process of periodic appraisal of faculties had been approved by the Rector and that it was common knowledge that the review document will be used to inform the Search committee. Dr. Sheinin explained that the process was introduced firstly because it is widely used among other Canadian Universities and secondly, to assist the Search Committee in the task, as set out in the "CESSA" document, of developing a profile for the incumbent for the next period of time within the current context of the University. She further stated that being sensitive to a balance between an objective and a subjective set of parameters, it was important, within the context of Concordia, to develop an objective measure and not rely on hearsay or personal experiences of individuals who come to the attention of the Search Committee. She stated that the review process was introduced as a mechanism to do this and that no undue weight has been given to the report with the exception of the development of the parameters for the profile of the dean which was part of the report to the Board.

With regard to the sense of low morale, Dr. B. MacKay suggested that people may feel dis-empowered and further suggested that asking the Rector to find solutions on behalf of the Faculty may not alleviate the source of the demoralization. She encouraged faculty members to participate in the activities of the Groome Committee and the University Governance Committee which are currently dealing with the issues being discussed.

With regard to the perception of low morale, Dr. J. Nader questioned how one measures low moral and enumerated the positive events that were going on in the Faculty - grant money is being received, good students are being attracted and registered, the Faculty houses the CJAS, the AMBA is being launched, etc. Dr. U. de Brentani agreed with Dr. Nader and suggested that it was a very subjective issue.

Dr. Tomberlin stated that his concerns have not been allayed by the discussion, rather he is more alarmed to learn that the Chief Academic Officer of this institution is still not convinced of the need to overturn what was originally submitted by the selection committee. He further stated that he is quite pessimistic and further questions will not improve this situation.

Dr. G. J. Gouw stated that he sensed a tremendous hurt in the Faculty but pointed that no matter who is appointed as Dean, some people will be hurt or dissatisfied. He asked Council members what they are going to do to make sure that the Faculty gets beyond this problem, to make sure that the students get the very best education. He suggested that changing the process can be worked on but in the meantime he encouraged faculty members not to forget their purpose and to move along.

The Chair thanked Dr. Kenniff and Dr. Sheinin for joining Faculty Council this morning.

VII

Business Arising from Previous Meeting

1. **FC&A Report of the Elections Committee - CAFC-91-09A-02 and CAFC-92-02A-01** - This issue was tabled until the next meeting of Council.
2. **Elections: Membership of the Council of the School of Graduate Studies - CAFC-92-01A-03** - This issue was tabled until the next meeting of Council.

VIII

Report Commerce Undergraduate Curriculum Committee

1. **Minor Curriculum Changes - DS&MIS and Management Departments - CAFC-92-02A-02**

IT WAS MOVED BY R. O. WILLS AND SECONDED BY V. H. KIRPALANI THAT FACULTY COUNCIL APPROVE THE MINOR CURRICULUM CHANGES FOR THE DECISION SCIENCES AND MIS DEPARTMENT AND THE MANAGEMENT DEPARTMENT AS OUTLINED IN DOCUMENT CAFC-92-02A-02.

Dr. T. J. Tomberlin stated that a special meeting of Council should be held to deal with the outstanding concerns with the process for the selection of the Dean. Dr. Tomberlin asked if there was a quorum for the balance of the meeting. A quorum was confirmed.

THE MOTION WAS CARRIED (23 in favor, 1 abstention)

IX **Report: Graduate Studies and Research**

X **Reports from Faculty Representatives on University Committees**

The above reports were tabled until the next meeting of Council.

XI **Reports from Student Associations**

1. **Distinguished Teaching Awards Committee Report**

N. Kaminaris reported that Professors Gheyara, Ahmad and Bourjolly, John Dracontaidis, CASA, and Claire Fiducia, CGSA met last Friday where the committee selected N. Kaminaris to act as the Chair. He announced that the nomination deadline is March 19th and the deadline for receipt of the candidates' portfolios is March 31st and advised that nomination information will be sent out shortly. In conclusion, he advised that the committee expects to submit the name of the recipient of the award at the next meeting of Council.

Professors Simyar and Tomberlin expressed a strong desire to reconvene Faculty Council in the near future to further discuss the concerns regarding the selection process of the Dean.

IT WAS MOVED BY S. GOYAL AND SECONDED BY V. H. KIRPALANI THAT THE MEETING BE ADJOURNED.

THE MOTION WAS CARRIED (9 in favor, 8 opposed)

Items XII, XII, XIII were not considered.

XIV

Next Meeting

The next meeting of Faculty Council is scheduled to take place on **Friday, April 3, 1992 at 09:30 in room GM403-2, SGW Campus**